

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW, : Master File No.:
STATE LAW and INSURANCE : 08 Civ. 11117 (TPG)
LITIGATION

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This Document Relates To: :

State Law Actions, 08 Civ. 11183 (TPG) :

Securities Actions, 08 Civ. 11212 (TPG) : ECF CASES

Insurance Actions, 09 Civ. 557 (TPG) : Electronically Filed

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**PLAINTIFFS' JOINDER IN MEMORANDUM OF THE TREMONT
DEFENDANTS ON REMAND FROM THE SECOND CIRCUIT**

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Charitable Remainder Trust, Eastham Capital
Appreciation Fund LP and NPV Positive
Corp., and for the benefit of Nominal
Defendants, and Daniel Jackson and
Laborers Local Pension Plan 17

Plaintiffs in the Securities Subclass and the State Law Subclass (the “Plaintiffs”) hereby join in and incorporate by reference “Tremont’s¹ Memorandum of Law on Remand from the Second Circuit” dated November 12, 2013 (the “Tremont Memorandum” Dkt. 889), submitted pursuant to this Court’s Order dated October 29, 2013 (Dkt. 875).

In the interest of judicial economy, Plaintiffs hereby adopt and incorporate the arguments set forth in the Tremont Memorandum. .

For the reasons set forth in the Tremont Memorandum, a potential \$80,000 claim by certain objectors arising out of a related bankruptcy action was *not* barred by the release contained in this Court’s judgment approving the settlement in this action.

Plaintiffs respectfully request that the Court enter the stipulation and proposed order submitted in connection with the Tremont Memorandum.

¹ The “Tremont” Defendants-Appellees are Tremont Partners, Inc., Tremont Group Holdings, Inc., Tremont (Bermuda) Limited, Tremont Capital Management, Inc., Rye Investment Management, Robert I. Schulman, Rupert A. Allan, Harry Hodges, James Mitchell, Lynn O. Keeshan, Patrick Kelly, Stephen Thomas Clayton, Stuart Pologe, Cynthia J. Nicoll and Darren Johnston.

Dated: New York, New York
November 12, 2013

Respectfully submitted,

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